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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 21 AM 11:19

UNITED STATES OF AMERICA,

Plaintiff,

v.

Salvador TORREZ-Zaragoza
AKA: Jose DUENAS-Ayala

Defendant.

Magistrate Case No. 08 MJ 0891

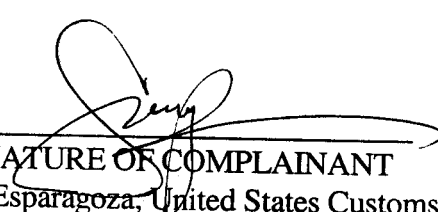
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about March 20, 2008, within the Southern District of California, defendant **Salvador TORREZ-Zaragoza AKA: Jose DUENAS-Ayala**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the San Ysidro Port of Entry, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 21st DAY OF
March, 2008.


UNITED STATES MAGISTRATE JUDGE

guk

PROBABLE CAUSE STATEMENT

On March 20, 2008 at approximately 3:15 P.M., a male identified as **Salvador TORREZ-Zaragoza AKA: Jose DUENAS-Ayala (Defendant)**, attempted to enter the United States from Mexico via the San Ysidro California Port of Entry as the driver of a 1992 Ford Explorer. Defendant presented a DSP-150 Laser Visa bearing the name Francisco VILLARREAL-Santillan to a Customs and Border Protection (CBP) Officer. Defendant was accompanied by one female passenger who presented a DSP-150 Laser Visa bearing the name Silvia Leticia HERNANDEZ-Soto. Defendant stated he was going to San Ysidro, California. The CBP Officer suspected Defendant and passenger were impostors to the documents presented and elected to refer the vehicle and its occupants to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS confirmed Defendant's identity as Salvador TORREZ-Zaragoza, a citizen of Mexico who had been previously deported from the United States.

Defendant was advised of his Miranda rights and elected to answer questions without the benefit of counsel. Defendant admitted he does not have legal documents to enter the United States and that he has been previously deported by an Immigration Judge. Defendant stated that he was aware that it was illegal to attempt to enter the United States after deportation. Defendant stated he was originally going to pay a smuggling fee of \$5,500 USD. Defendant stated that if he agreed to drive the vehicle and passenger into the United States he would receive a discount of \$2,500 USD off of the fee. Defendant admitted he presented a DSP-150 Laser Visa that was not designed for his use. Defendant stated he was aware that it is illegal to attempt entry into the United States using the document he presented. Defendant stated he had intended to go to Fresno, California.

Queries utilizing the Immigration Central Index System (CIS) and Deportable Alien Control System (DACS) identified Defendant as a citizen of Mexico without legal documents to enter the United States. DACS revealed Defendant was ordered deported from the United States by an Immigration Judge on or about April 9, 2002. Immigration records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security to legally re enter the United States.